

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Conor O'Shea	Team: Squad #5	CCRB Case #: 201902317	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 03/07/2019 10:15 PM, Thursday, 03/07/2019 10:30 PM, Thursday, 03/07/2019 10:45 PM	Location of Incident: Seward Avenue and Noble Avenue; in a police vehicle; 43rd Precinct stationhouse	Precinct: 43	18 Mo. SOL 9/7/2020	EO SOL 4/24/2021	
Date/Time CV Reported Fri, 03/15/2019 6:30 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 03/15/2019 6:30 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Francis Pinales	14791	946121	043 PCT
2. POM Satinderpa Singh	31966	955500	043 PCT
3. LT Cesar Imbert	00000	940281	043 PCT
4. POM Emmanuel Rios	12969	954272	043 PCT
5. POM Glenn Moreira	06935	954151	043 PCT
6. DTS Anthony Lustica	28013	927106	043 PCT
7. An officer			043 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Md Ali	10018	960149	043 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Satinderpa Singh	Abuse: At the intersection of Seward Avenue and Noble Avenue in the Bronx, Police Officer Satinderpal Singh frisked § 87(2)(b)	
B.POM Satinderpa Singh	Abuse: At the intersection of Seward Avenue and Noble Avenue in the Bronx, Police Officer Satinderpal Singh searched § 87(2)(b)	
C.POM Francis Pinales	Abuse: At the intersection of Seward Avenue and Noble Avenue in the Bronx, Police Officer Francis Pinales threatened § 87(2)(b) with the use of force.	
D.POM Francis Pinales	Abuse: At the intersection of Seward Avenue and Noble Avenue in the Bronx, Police Officer Francis Pinales searched § 87(2)(b)	
E.LT Cesar Imbert	Abuse: At the intersection of Seward Avenue and Noble Avenue in the Bronx, Lieutenant Cesar Imbert searched § 87(2)(b)	
F.POM Francis Pinales	Force: At the intersection of Seward Avenue and Noble Avenue in the Bronx, Police Officer Francis Pinales used physical force against § 87(2)(b)	
G.POM Satinderpa Singh	Force: At the intersection of Seward Avenue and Noble Avenue in the Bronx, Police Officer Satinderpal Singh used physical force against § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
H.LT Cesar Imbert	Force: At the intersection of Seward Avenue and Noble Avenue in the Bronx, Lieutenant Cesar Imbert used physical force against § 87(2)(b)	
I.POM Emmanuel Rios	Force: At the intersection of Seward Avenue and Noble Avenue in the Bronx, Police Officer Emmanuel Rios used physical force against § 87(2)(b)	
J. An officer	Force: At the intersection of Seward Avenue and Noble Avenue in the Bronx, an officer hit § 87(2)(b) against a vehicle.	
K.POM Satinderpa Singh	Force: Inside a police vehicle, Police Officer Satinderpal Singh restricted § 87(2)(b) breathing.	
L.POM Emmanuel Rios	Force: Inside a police vehicle, Police Officer Emmanuel Rios restricted § 87(2)(b) breathing.	
M.POM Francis Pinales	Abuse: At the 43rd Precinct stationhouse in the Bronx, Police Officer Francis Pinales strip-searched § 87(2)(b)	
N.LT Cesar Imbert	Abuse: At the 43rd Precinct stationhouse in the Bronx, Lieutenant Cesar Imbert strip-searched § 87(2)(b)	
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		

Case Summary

On March 15, 2019, § 87(2)(b) filed this complaint online with the CCRB.

On March 7, 2019, at approximately 10:15 p.m., Lieutenant Cesar Imbert, Police Officer Francis Pinales, and Police Officer Satinderpal Singh—all from the 43rd Precinct—stopped § 87(2)(b) for jaywalking near the intersection of Seward Avenue and Noble Avenue in the Bronx. PO Singh frisked and searched § 87(2)(b) (**Allegations A–B: Abuse of Authority, § 87(2)(g)**). PO Pinales allegedly pointed his Taser at § 87(2)(b) (**Allegation C: Abuse of Authority, § 87(2)(g)**). PO Pinales and Lt. Imbert allegedly searched § 87(2)(b) (**Allegations D–E: Abuse of Authority, § 87(2)(g)**). The officers handcuffed § 87(2)(b) and brought him over to their unmarked vehicle. § 87(2)(b) began yelling and physically resisting. Lt. Imbert, PO Pinales, and PO Singh tried unsuccessfully to pick § 87(2)(b) up by his arms and legs and shove him inside the backseat of their unmarked vehicle (**Allegations F–H: Force, § 87(2)(g)**). They set him on the ground as Lt. Imbert radioed for backup. Additional officers from the 43rd Precinct responded, including Police Officers Emmanuel Rios, Glenn Moreira, and Anthony Lustica (who is now a detective).

Lt. Imbert, PO Singh, PO Pinales, and PO Rios repeatedly tried shoving and pulling § 87(2)(b) into the backseat of a police van (**Subsumed within Allegations F–H; Allegation I: Force, § 87(2)(g)**). By pushing on his upper body, an officer allegedly caused § 87(2)(b) head to strike the door frame, from which he sustained head bruising and ear lacerations (**Allegation J: Force, § 87(2)(g)**). PO Moreira drove § 87(2)(b) to the 43rd Precinct stationhouse with PO Singh and PO Rios in the back seat. PO Singh and PO Rios allegedly held § 87(2)(b) face-down and rear-cuffed, and PO Singh allegedly knelt on the back of his neck, all of which allegedly restricted his breathing (**Allegations K–L: Force, § 87(2)(g)**).

At the 43rd Precinct stationhouse, PO Pinales and Lt. Imbert strip searched § 87(2)(b) (**Allegations M–N: Abuse of Authority, § 87(2)(g)**). PO Pinales issued § 87(2)(b) two summonses, one for jaywalking and one for disorderly conduct (**Board Review 01, 02**). § 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

The investigation obtained BWC footage (**Board Review 03–11**, summarized at **Board Review 12–18**), stationhouse footage (relevant videos at **Board Review 19–21**, summarized at **Board Review 22–24**), and a cell phone video from § 87(2)(b) depicting his post-incident injuries (**Board Review 25**). All references to video evidence in this report refer to the time stamp in the video player, not the on-screen clocked embedded in the video footage itself.

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

Findings and Recommendations

Allegation A—Abuse of Authority: At the intersection of Seward Avenue and Noble Avenue in the Bronx, Police Officer Satinderpal Singh frisked § 87(2)(b)

Allegation B—Abuse of Authority: At the intersection of Seward Avenue and Noble Avenue in the Bronx, Police Officer Satinderpal Singh searched § 87(2)(b)

Allegation D—Abuse of Authority: At the intersection of Seward Avenue and Noble Avenue in the Bronx, Police Officer Frances Pinales searched § 87(2)(b)

Allegation E—Abuse of Authority: At the intersection of Seward Avenue and Noble Avenue in the Bronx, Lieutenant Cesar Imbert searched § 87(2)(b)

It is undisputed that PO Singh, PO Pinales, and Lt. Imbert stopped § 87(2)(b) solely on suspicion of jaywalking. It is further undisputed that, at some point, PO Singh frisked and searched § 87(2)(b). It is also undisputed that none of the officers had a particularized belief that § 87(2)(b) was armed. It is further undisputed that, at some point, the officers decided to issue § 87(2)(b) a summons at the stationhouse and handcuffed him solely for that purpose. The timing of when they made this decision relative to the alleged frisks and searches is disputed.

§ 87(2)(b) (Board Review 26, 27) testified that once the officers stopped him, PO Singh immediately began frisking and searching him by entering all of his pockets. No officer asked him for his ID. After PO Singh frisked and searched § 87(2)(b) but before they handcuffed him—PO Pinales and Lt. Imbert searched him again by entering his pockets.

The BWC videos of PO Singh, PO Pinales, and Lt. Imbert (Board Review 03–05) all begin shortly before § 87(2)(b) was handcuffed. Lt. Imbert's and PO Pinales' hands are not visible at any point during the time period in which their searches allegedly occurred. The BWC footage is therefore not dispositive as to whether PO Pinales and Lt. Imbert searched § 87(2)(b) or to the circumstances under which PO Singh frisked and searched him.

PO Singh (Board Review 28), PO Pinales (Board Review 29), and Lt. Imbert (Board Review 30) all testified that, when they handcuffed § 87(2)(b) they were only doing so because he had repeatedly refused to provide his ID. PO Singh testified that he decided to bring § 87(2)(b) to the stationhouse to issue him the jaywalking summons before he even grabbed him. PO Singh denied seeing Lt. Imbert or PO Pinales searching § 87(2)(b). PO Pinales did not remember if any officer did so. Lt. Imbert denied entering any of § 87(2)(b) pockets and did not remember if PO Pinales did so.

§ 87(2)(g)

Allegation C—Abuse of Authority: At the intersection of Seward Avenue and Noble Avenue in the Bronx, Police Officer Francis Pinales threatened § 87(2)(b) with the use of force.

§ 87(2)(b) (Board Review 26, 27, 31) recounted that, while PO Singh frisked him, PO Pinales held a Taser at belt level and pointed the Taser at him.

PO Singh, PO Pinales, and Lt. Imbert (Board Review 28–30) all denied that PO Pinales pointed a Taser at § 87(2)(b). However, all three of them either did not know or did not remember if PO Pinales was equipped with a Taser that night.

Lt. Imbert's BWC (Board Review 05), at 02:12, shows that PO Pinales was in fact equipped with a Taser. As described above, however, all of the BWC footage only depicts a brief

period of time before § 87(2)(b) was in handcuffs and does not show PO Pinales' hands in the frame. The BWC footage is therefore not dispositive as to this allegation.

§ 87(2)(g)

Allegation F—Force: At the intersection of Seward Avenue and Noble Avenue in the Bronx, Lieutenant Cesar Imbert used physical force against § 87(2)(b)

Allegation G—Force: At the intersection of Seward Avenue and Noble Avenue in the Bronx, Police Officer Francis Pinales used physical force against § 87(2)(b)

Allegation H—Force: At the intersection of Seward Avenue and Noble Avenue in the Bronx, Police Officer Satinderpal Singh used physical force against § 87(2)(b)

Allegation I—Force: At the intersection of Seward Avenue and Noble Avenue in the Bronx, Police Officer Emmanuel Rios used physical force against § 87(2)(b)

The following facts are undisputed. Once the officers handcuffed § 87(2)(b) to issue him a summons at the stationhouse, he began screaming loudly and physically refusing to comply with them. Lt. Imbert, PO Pinales, and PO Singh led § 87(2)(b) to their unmarked sedan, where they attempted to pick him up and forcibly place him inside. He physically resisted by using his legs to prevent the officers from putting him inside of the car. The officers attempted to force § 87(2)(b) into the back seat of their sedan for a short while before placing him down on the ground and calling for backup. Once backup arrived, the officers escorted § 87(2)(b) to a marked police van and tried to put him in the back seat through the passenger-side double doors. § 87(2)(b) continued resisting by using his legs to prevent the officers from putting him inside the van and pushing back and up with his torso, while continuing to scream loudly. Lt. Imbert, PO Pinales, PO Singh, and PO Rios all pushed and pulled on § 87(2)(b) body for a few minutes to overcome his resistance and lodge him in the van for transport. PO Pinales' BWC footage (**Board Review 04**), beginning at 00:45, depicts this portion of the incident.

NYPD Patrol Guide Procedure 221-01 (**Board Review 32**) authorizes the use of force “when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances.”

§ 87(2)(g)

When the officers tried lodging § 87(2)(b) in the van, he continued to verbally and physically resist. § 87(2)(g)

Allegation J—Force: At the intersection of Seward Avenue and Noble Avenue in the Bronx, an officer hit § 87(2)(b) against a vehicle.

§ 87(2)(b) (**Board Review 26, 27, 31**) recounted that, as the officers were trying to force him into the van, an officer pushed against his body in a manner which caused his head to strike the doorframe of the van. § 87(2)(b) could not describe the officer who pushed him, but he believed the push came from his left. § 87(2)(b) immediately fell face-first onto a back seat. When § 87(2)(b) head struck the doorframe, he sustained at least some lacerations to his ear, which bled on the van's seat. When § 87(2)(b) arrived home later that night—approximately five hours after the injury—he took photographs (**Board Review 33–35**) and a video (**Board Review 25**) of his injuries, which depict bleeding to his right ear consistent with his testimony.

§ 87(2)(b) went to the emergency department at § 87(2)(b) the morning after the incident. His medical records from the emergency department (See Privileged Records) show that his statements to medical personnel as to the nature and source of his injuries were consistent with his CCRB testimony. A doctor diagnosed § 87(2)(b) with ear lacerations and a contusion on his retroauricular (behind the ear) area. A CT scan had “unremarkable” results; § 87(2)(b) was not diagnosed with a concussion. § 87(2)(b) received Ibuprofen but no narcotic pain relievers. He did not receive stitches.

§ 87(2)(g)

PO Singh, PO Pinales, Lt. Imbert, and PO Rios (**Board Review 28–30, 36**) all denied seeing any officer push § 87(2)(b) head against the van. They all denied seeing § 87(2)(b) head strike the van at any point. PO Singh, PO Pinales, and PO Rios denied that § 87(2)(b) complained of injuries, while Lt. Imbert did not remember if § 87(2)(b) did so.

The BWC videos that depict this portion of the incident from PO Singh (**Board Review 03, 03:49–05:16**), PO Pinales (**Board Review 04, 03:33–04:50**), Lt. Imbert (**Board Review 05, 03:48–05:45**), PO Rios (**Board Review 06, 00:00–00:51**), and PO Lustica (**Board Review 09, 10, entirety of both videos**) do not provide a clear depiction of how exactly § 87(2)(b) ended up inside the van. The proximity of the BWCs to § 87(2)(b) body, his and the officers’ movements, the nighttime lighting conditions, and the fact that multiple cameras became dislodged during the struggle all contributed to the lack of clarity in the BWC footage.

The investigation was unable to identify which officers were applying force to which parts of § 87(2)(b) body, how much force they were applying, and when they were doing so, at the moment at which § 87(2)(b) head struck the doorframe. Additionally, § 87(2)(b) merely alleged that an officer shoved his body—not his head specifically—which in turn caused his head to strike the doorframe. As the footage shows, § 87(2)(b) was repeatedly trying to stand upright and see over the top of the van. As such, the investigation was additionally unable to discern any specific intent by any officer to cause § 87(2)(b) head to strike the doorframe, or otherwise rule out the possibility that his head striking the door frame was accidental or of his own doing.

§ 87(2)(g)

Allegation K—Force: Inside a police vehicle, Police Officer Satinderpal Singh restricted § 87(2)(b) breathing.

Allegation L—Force: Inside a police vehicle, Police Officer Emmanuel Rios restricted § 87(2)(b) breathing.

It is undisputed that PO Moreira drove § 87(2)(b) to the 43rd Precinct stationhouse in a marked van while § 87(2)(b) was lodged in one of the back seats along with PO Singh and PO Rios. It is also undisputed that § 87(2)(b) was rear-handcuffed but not secured with a seatbelt, so at least PO Singh held him onto the seat. The exact positioning of § 87(2)(b) body and the manner in which PO Singh restrained him on the seat remain in dispute. Whether PO Rios participated in restraining § 87(2)(b) also remains in dispute. § 87(2)(b) (**Board Review 26, 27**) testified that PO Singh knelt on the back of his neck in the backseat of the vehicle. PO Rios held § 87(2)(b) down on the seat as well. § 87(2)(b) could not breathe and stated as much to the officers. PO Singh removed his knee

from the back of § 87(2)(b) neck, after it had been there for approximately two minutes. PO Singh and PO Rios held § 87(2)(b) face-down, rear-cuffed for the duration of the trip to the stationhouse.

The only BWC footage that captures § 87(2)(b) in transport to the stationhouse is from PO Rios (**Board Review 06**, beginning at 00:51) and PO Singh (**Board Review 03**, beginning at 05:30). The footage confirms that § 87(2)(b) did state, “Get off my neck,” and, “I can’t breathe, I can’t breathe,” during transport. The videos also depict PO Singh apparently in the same seat as § 87(2)(b) but the darkness in the van renders the videos incapable of showing whether or where any officer touched § 87(2)(b) during transport, whether PO Singh ever knelt on § 87(2)(b) neck, or how § 87(2)(b) was positioned during transport. The videos do briefly capture § 87(2)(b) in the back seat as the van’s occupants exit at the stationhouse, but PO Singh has apparently relaxed his hold on § 87(2)(b) body by that point and § 87(2)(b) has already begun to sit up, so the footage is still not dispositive as to how he was positioned during transport.

PO Singh and PO Rios (**Board Review 28, 36**) provided discrepant accounts of what happened in the van. PO Rios’ memory of the incident was not as strong as PO Singh’s.

PO Rios did not have an independent recollection of how § 87(2)(b) was positioned in the van but believed that § 87(2)(b) was leaning at a 45-degree angle without being restrained in any way. The darkness in the van made it difficult for PO Rios to remember, or discern from his own footage, how everyone was positioned. However, PO Singh testified that § 87(2)(b) was lying down on his side during transport. When asked if § 87(2)(b) was ever face-down, PO Singh said, “No, I don’t remember him being face-down.” Given the consistency between § 87(2)(b) testimony and that of PO Singh, coupled with the BWC footage, the investigation credits that § 87(2)(b) was laying down in some position during transport and not sitting up at an angle as recounted by PO Rios.

PO Rios denied touching § 87(2)(b) in the van in any way, and denied that any officer held § 87(2)(b) down. However, PO Singh acknowledged holding § 87(2)(b) down on the seat with two hands—one on his torso and the other on his legs—to prevent him from injuring himself during transport without a seatbelt. PO Singh recounted that PO Rios also held § 87(2)(b) down during transport, but he could not recall the specific manner in which PO Rios did so. Given the consistency between § 87(2)(b) testimony and that of PO Singh, the investigation credits that PO Rios did in fact assist with holding § 87(2)(b) down in some way.

PO Singh denied touching § 87(2)(b) neck and denied kneeling on him at any point in the van. PO Rios also denied that PO Singh knelt on § 87(2)(b) or touched his neck at any point. However, PO Rios initially did not even remember that PO Singh was in the van in the first place and also denied that PO Singh had any interactions with § 87(2)(b) at all. Given the discrepant testimony and absence of clear video footage in the dark van, the investigation was unable to determine whether PO Singh knelt on § 87(2)(b) neck as alleged.

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g). As discussed previously, § 87(2)(b) had been engaged in a full-body struggle to avoid being placed in the van just before this, and had been screaming for several minutes beforehand. He was therefore likely somewhat out of breath independent of PO Singh and PO Rios holding him down. § 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Allegation M—Abuse of Authority: At the 43rd Precinct stationhouse, Police Officer Francis Pinales strip-searched § 87(2)(b)

Allegation N—Abuse of Authority: At the 43rd Precinct stationhouse, Lieutenant Cesar Imbert strip-searched § 87(2)(b)

It is undisputed that PO Pinales, PO Singh, and Lt. Imbert first handcuffed § 87(2)(b) solely to issue him a jaywalking summons at the stationhouse, but as they tried to put him into custody, they also suspected him of committing disorderly conduct. They did not suspect him of committing any other offenses. The officers believed they smelled burnt marijuana on or around § 87(2)(b) person when they first approached him, from which they inferred that he was possibly high at the time of the incident. However, none of the officers articulated any specific, individualized belief that § 87(2)(b) was hiding contraband on his person.

Surveillance footage from outside of § 87(2)(b) holding cell at the 43rd Precinct stationhouse (**Board Review 19**, summarized at **Board Review 22**) shows the officers searching § 87(2)(b) in the cell area. At 17:46, PO Pinales brings § 87(2)(b) out of the holding cell and un-handcuffs him. PO Pinales then begins searching various items of § 87(2)(b) clothing. At 20:22, PO Pinales pulls § 87(2)(b) jeans down, completely exposing his underwear and some of his thighs below the underwear, and begins to pull at the waistband of the underwear. PO Pinales apparently does not find any contraband and locks § 87(2)(b) back in the cell as he and Lt. Imbert walk away.

§ 87(2)(b) website complaint, initial phone statement, and sworn CCRB testimony (**Board Review 31, 26, 27**) were all consistent with the stationhouse footage described above.

Both PO Pinales (**Board Review 29**) and Lt. Imbert (**Board Review 30**) provided initial narratives—before being shown the above-mentioned surveillance footage—of their actions at the stationhouse and in the holding cell area that did not include any mention of searching § 87(2)(b) in the cells for any purpose. Initially, Lt. Imbert only acknowledged returning to § 87(2)(b) cell once after he was lodged there, during which time Lt. Imbert offered him medical treatment and explained the summonses; Lt. Imbert initially denied having any other interactions with § 87(2)(b) in the holding cells. Initially, PO Pinales only acknowledged returning to the cells to issue the summonses. Both Lt. Imbert and PO Pinales denied that § 87(2)(b) was strip searched, although they both (mistakenly, as described below) believe that a prisoner must be fully naked for a search to qualify as a strip search. When Lt. Imbert was asked if any officer pulled down § 87(2)(b) pants or inspected his underwear in the holding cells, he said, “Not to my knowledge, no.” PO Pinales unequivocally denied returning to the cells to conduct another search of § 87(2)(b) denied strip searching him, and denied pulling § 87(2)(b) pants down in the cells.

Upon viewing the above-mentioned surveillance footage, both Lt. Imbert and PO Pinales testified that the video depicted PO Pinales conducting a routine or “regular” search—not a strip search—according to their understanding of the Patrol Guide. PO Pinales claimed to have never been trained on how to conduct a strip search. Both Lt. Imbert and PO Pinales acknowledged that they regularly, if not always, conduct the type of search depicted in the surveillance footage on prisoners brought back to the stationhouse. Their justification for the holding cell search was that it was, in their opinion, part and parcel of routine arrest processing.

NYPD Patrol Guide Procedure 208-05 (**Board Review 37**) defines strip searches as “any search in which an individuals’ undergarments (e.g. bra, underwear, etc.) and/or private areas are exposed or in which an individual’s clothing is removed, lifted up, or pulled down to expose undergarments or private areas.” There is no requirement that a prisoner be fully naked for a strip

search to occur. Patrol Guide Procedure 208-05 further requires that a strip search “may only be conducted when the arresting officer reasonably suspects that weapons, contraband, or evidence may be concealed upon the person or in the clothing in such a manner that they may not be discovered by the previous search methods,” i.e. a “frisk/field search” and stationhouse non-strip search as part of standard arrest processing. The approving supervisor is ultimately “responsible for ensuring the [strip] search is conducted properly,” and may only authorize such a search “when an arresting officer has articulated a reasonable suspicion that the individual is concealing evidence, contraband, or a weapon.”

§ 87(2)(g)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

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§ 87(2)(g), § 87(4-b)

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§ 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- This is the first and only CCRB complaint to which § 87(2)(b) has been a party (**Board Review 41**).
- Lt. Imbert has been a member of service for 14 years and has been named a subject in four other CCRB complaints and 12 other allegations, none of which was substantiated. § 87(2)(g)
- PO Pinales has been a member of service for 12 years and has been named a subject in one other CCRB complaint and four other allegations, none of which was substantiated. § 87(2)(g)
- PO Singh has been a member of service for six years and has been named a subject in two other CCRB complaints and six other allegations, one of which was substantiated:
 - CCRB case #201805295 involved a § 87(2)(g) discourtesy allegation against PO Singh. The Board recommended Formalized Training. The NYPD took no disciplinary action.
 - § 87(2)(g)
- PO Rios has been a member of service for seven years. This is the first and only CCRB complaint in which he has been named a subject.
- PO Moreira has been a member of service for seven years. This is the first and only CCRB complaint in which he has been named a subject.
- PO Lustica has been a member of service for 19 years and has been named a subject in nine other CCRB complaints and 20 other allegations, two of which were substantiated:
 - CCRB case #200406667 involved a substantiated physical force allegation and a substantiated frisk and/or search allegation against PO Lustica. The Board recommended Charges. The NYPD imposed Command Discipline–A.
 - § 87(2)(g)

CCRB Case #201902317

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- Through his attorney, § 87(2)(b) filed a Notice of Claim seeking \$900,000 in damages for emotional and physical injuries; false arrest; malicious prosecution; negligent training, supervision, hiring and retention; unlawful search and seizure; loss of liberty; loss of civil rights and constitutional rights pursuant to 42 U.S.C. Section 1983; emotional distress; assault; battery; and malicious abuse of process (**Board Review 42**).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]

Squad No.: #05

Investigator:	<u>Conor Seamus O'Shea</u> Signature	<u>Investigator Conor O'Shea</u> Print Title & Name	<u>April 7, 2020</u> Date
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Squad Leader:	<u>Daniel Giansante</u> Signature	<u>IM Daniel Giansante</u> Print Title & Name	<u>April 15, 2020</u> Date
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Reviewer:	_____ Signature	_____ Print Title & Name	_____ Date
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